

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID STEBBINS,

Plaintiff(s),

v.

MICROSOFT INC,

Defendant(s).

CASE NO. 2:11-cv-01362-JCC

ORDER DENYING DEFAULT

The Motion for Default has been considered together with the files and records in the case and is **DENIED** as to Microsoft, Inc. for the following reasons:

- Proof of service of the summons and complaint has not been filed with the court in accordance with Fed.R.Civ.P. 4(*l*).
- Plaintiff has not demonstrated that the summons and complaint were effectively served in accordance with Fed.R.Civ.P. 4(*h*).
- There is no proof that the plaintiff has served this motion for default on defendant/defense counsel. CR 55(a) requires that a party moving for an Order of Default must give the defendant notice before a default may be entered.

The pending motion for default judgment, if any, against these defendants, is **DENIED AS MOOT**.

DATED: September 20, 2011

William M. McCool, Clerk

By: /s/ Paul Pierson
DEPUTY CLERK